

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6369

BILL NUMBER: HB 1421

NOTE PREPARED: Jan 9, 2009

BILL AMENDED:

SUBJECT: Death Penalty Moratorium and Fair Sentencing Study.

FIRST AUTHOR: Rep. Smith V

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

- A. *Temporary Prohibition of Death Penalty* – It prohibits: (1) the state from executing a defendant before July 1, 2012; and (2) a court from issuing an order before July 1, 2012, that requires a defendant's execution to be carried out.
- B. *Fair Sentencing Study Commission* – It establishes the 15-member Fair Sentencing Study Commission to: (1) study and review the use of the death penalty; and (2) submit a report to the Governor and the Legislative Council before January 1, 2012, that contains findings and recommendations made by the commission concerning the death penalty, including recommendations for legislation.

Effective Date: Upon passage.

Explanation of State Expenditures: *Prohibition of Death Penalty* – As of January 1, 2009, 14 offenders on death row were at various stages of appeal of their death sentences. These offenders would remain on death row through at least July 1, 2012.

Fair Sentencing Study Commission – A Fair Sentencing Study Commission of 15 members is to include four legislators, six lay members, and four state employees. The commission would operate under the policies governing study committees adopted by the Legislative Council. Legislative Council resolutions in the past have established budgets for interim study committees in the amount of \$9,500 per interim for committees with fewer than 16 members.

Explanation of State Revenues:

Explanation of Local Expenditures: *Prohibition of Death Penalty* – As of January 1, 2009, ten defendants await or are in the middle of death penalty trials in six counties. This bill would permit these trials to continue.

Counties and Defendants Awaiting Death Penalty Trials							
County	Lake	Marion	Miami	Parke	Sullivan	Vigo	Total
Number of Defendants	2	3	1	1	2	1	10

Explanation of Local Revenues:

State Agencies Affected: Department of Corrections, Indiana Supreme Court, Prosecuting Attorneys Council, Public Defender Council.

Local Agencies Affected:

Information Sources: Department of Correction, Indiana Supreme Court, Governor’s Office.

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